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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

)

)

)

v.

) CRIM NO. 2:05CR137-F

)

GEORGE DAVID SALUM III

)

MOTION TO COMPEL SUBPOENA RESPONSES

COMES NOW the Defendant, George David Salum III, by and through his attorneys of record, Julian L. McPhillips, Jr., and hereby moves this Honorable Court to issue an order compelling the third party subpoena recipients to respond to the subpoenas issued and served upon them on June 8, 2005. As grounds therefore, the undersigned shows the following:

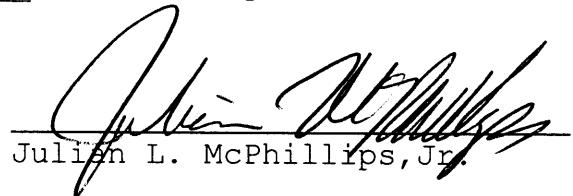
1. The Defendant George David Salum, III, is presently a defendant in the cause of United States of America vs. George David Salum, III, Case No. 2:05CR137-F charging him with aiding, abetting, counseled, and inducing by others known and unknown to the Grand Jury, did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice. The date of said alleged offense is July 3, 2004.
2. Due to the secrecy of the Grand Jury, the Defendant has been denied access to any information by the Montgomery

County Criminal Investigation Division, and the United States Attorney's Office which is relevant to the facts surrounding the alleged obstruction of July 3, 2004.

3. **The Defendant, therefore, prepared, filed and served upon the Drug Enforcement Agency, the Alabama Bureau of Investigation, the Federal Bureau of Investigation, the Montgomery Police Department, and the Prattville Police Department, subpoenas requesting much needed investigative and criminal reports, and personnel records. See copies of said subpoenas attached hereto as Exhibit A.**
4. **The Defendant is seeking only that evidence which, upon inspection, would be relevant to the charges against Defendant Salum, and is exculpatory in nature.**
5. The undersigned counsel understands from Assistant U.S. District Attorney, Dixie Morrow, that she has advised the agencies in receipt of the subpoenas to not respond.
6. Neither party would be penalized by the production of said documents.
7. The Defendant and his counsel need the subpoenaed documents in order to prepare for the upcoming November 7, 2005 trial.

Wherefore, Defendant respectfully moves this Honorable Court to enter an Order requiring the U.S. Attorney's Office, Federal Bureau of Investigation, Alabama Bureau of Investigation, Prattville Police Department, Montgomery Police Department, and the Montgomery County Criminal Investigation Division to respond to the subpoenas issued and served upon them on June 8, 2005.

Respectfully submitted this 21 day of July, 2005.



Julian L. McPhillips, Jr.

OF COUNSEL:

MCPHILLIPS SHINBAUM, L.L.P
P. O. Box 64
Montgomery, AL 36101
(334) 262-1911

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served via U.S. Mail, postage prepaid, on this the 21 day of July, 2005, upon:

Dixie A. Morrow
Assistant United States Attorney
21 E. Garden St., Ste. 400
Pensacola, FL 32502

Alabama Bureau of Investigations
301 South Perry Street
Montgomery, Alabama 36104

Montgomery Police Department
Records Division
150 N. Ripley Street
Montgomery, Alabama

Hon. David A. McDowell
145 W. Main Street *att. to L. J. Prattville*
Prattville, Alabama 36067

Federal Bureau of Investigations
Federal Task Force Division
15 Lee Street
Montgomery, Alabama 36104

Drug Enforcement Agency
2350 Fairlane Drive
Suite 200
Montgomery, Alabama 36116



Of Counsel

United States District Court

MIDDLE District of NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

GEORGE DAVID SALUM III

SUBPOENA IN A CRIMINAL CASE

CASE NUMBER: 2:05CR137 F

TO:

DRUG ENFORCEMENT AGENCY
2350 FAIRLANE DRIVE
SUITE 200
MONTGOMERY, ALABAMA 36116

[] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Investigative and criminal file of George David Salum III

PLACE Julian L. McPhillips, Jr. McPhillips Shinbaum, L.L.P. 516 South Perry Street Montgomery, Alabama 36101	DATE AND TIME July 8, 2005
--	-------------------------------

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR A PLAINTIFF OR DEFENDANT)	DATE
---	------

P.O. Box 104, Montgomery, AL 36101 334-2002-1911

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR A PLAINTIFF OR DEFENDANT)

DATE

06/08/05

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

SERVED	DATE 06/08/05	PLACE Drug Enforcement Agency 2350 Fairlane Dr Montgomery, AL 36116
SERVED ON (PRINT NAME) Tammy DeJohn	MANNER OF SERVICE Hand delivery	
SERVED BY (PRINT NAME) Kaylor D. Jenkins	TITLE Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 06/08/05
DATE

Kaylor D. Jenkins
SIGNATURE OF SERVER

516 S. Perry St.
ADDRESS OF SERVER

Montgomery, AL 36104

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, issue shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation material, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to

United States District Court

MIDDLE District of NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

SUBPOENA IN A CRIMINAL CASE

GEORGE DAVID SALUM III

CASE NUMBER: 2:05CR137 F

TO:

ALABAMA BUREAU OF INVESTIGATIONS
301 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36104

[] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Investigative and criminal file of George David Salum III

PLACE Julian L. McPhillips, Jr. McPhillips Shinbaum, L.L.P. 516 South Perry Street Montgomery, Alabama 36101	DATE AND TIME July 8, 2005
--	-------------------------------

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE ATTORNEY FOR A PLAINTIFF OR DEFENDANT)	DATE
--	------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER 516 South Perry St. Montgomery, al 334-202-1911	(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)
---	---

PROOF OF SERVICE			
SERVED	DATE <u>06/08/05</u>	PLACE <u>Alabama Bureau of Investigation 301 Perry St</u>	
SERVED ON (PRINT NAME) <u>James Potts</u>		MANNER OF SERVICE <u>Hand delivery</u>	
SERVED BY (PRINT NAME) <u>Kaylon D. Jenkins</u>		TITLE <u>Process Server</u>	
DECLARATION OF SERVER			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.			
Executed on <u>06/08/05</u>	DATE	<u>Kaylon D. Jenkins</u>	SIGNATURE OF SERVER
		<u>56 S. Perry St.</u>	ADDRESS OF SERVER
		<u>Montgomery, AL 36104</u>	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of a trade secret or other development, or commercial information, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation material, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

United States District Court

MIDDLE District of NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

SUBPOENA IN A CRIMINAL CASE

GEORGE DAVID SALUM III

CASE NUMBER: 2:05CR137 F

TO:

FEDERAL BUREAU OF INVESTIGATIONS
FEDERAL TASK FORCE DIVISION
15 LEE STREET
MONTGOMERY, ALABAMA 36104

[] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Investigative and criminal file of George David Salum III

PLACE Julian L. McPhillips, Jr. McPhillips Shinbaum, L.L.P. 516 South Perry Street Montgomery, Alabama 36101	DATE AND TIME July 8, 2005
--	-------------------------------

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR A PLAINTIFF OR DEFENDANT)	DATE
---	------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
P.O. Box, Montgomery, AL 36101 334-262-1911 06-08-05

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

SERVED	DATE 06/08/05	PLACE Federal Bureau of Investigation
SERVED ON (PRINT NAME) <i>Tom Hetrich</i>	MANNER OF SERVICE <i>Hand delivery</i>	
SERVED BY (PRINT NAME) <i>Kaylon D. Jenkins</i>	TITLE <i>Process Server</i>	
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on <u>06/08/05</u> DATE</p> <p><u><i>Kaylon D. Jenkins</i></u> SIGNATURE OF SERVER</p> <p><u><i>516 S. Perry St.</i></u> ADDRESS OF SERVER</p> <p><u><i>Montgomery, AL 36104</i></u></p>		

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;
 (II) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
 (III) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (IV) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(II) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(III) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, if it shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

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United States District Court

MIDDLE District of NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

SUBPOENA IN A CRIMINAL CASE

GEORGE DAVID SALUM III

CASE NUMBER: 2:05CR137 F

TO:

PRATTVILLE POLICE DEPARTMENT
101 WEST MAIN
PRATTVILLE, ALABAMA 36067

[] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Personnel File of Raymond David DeJohn

PLACE Julian L. McPhillips, Jr. McPhillips Shinbaum, L.L.P. 516 South Perry Street Montgomery, Alabama 36101	DATE AND TIME July 8, 2005
--	-------------------------------

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR A PLAINTIFF OR DEFENDANT)	DATE
---	------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER P.O. Box 104, Montgomery, AL 36101	334-2102-1911
--	---------------

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

SERVED	DATE 06/09/05	PLACE Prattville Police Dept.
SERVED ON (PRINT NAME) <u>Cot. A.D. Dates</u>		MANNER OF SERVICE <u>Hand delivery</u>
SERVED BY (PRINT NAME) <u>Kaylon D. Jenkins</u>		TITLE <u>Process Server</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on <u>06/09/05</u> DATE</p> <p><u>Kaylon D. Jenkins</u> SIGNATURE OF SERVER</p> <p><u>5165 Perry St.</u> ADDRESS OF SERVER</p> <p><u>Montgomery, AL 36104</u></p>		

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena if issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation material, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

United States District Court

MIDDLE District of NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

SUBPOENA IN A CRIMINAL CASE

GEORGE DAVID SALUM III

CASE NUMBER: 2:05CR137 F

TO:

MONTGOMERY POLICE DEPARTMENT
RECORDS DIVISION
150 N. RIPLEY STREET
MONTGOMERY, ALABAMA

[] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Personnel file of Montgomery Police Officers Mark Fox and Jay King
Personnel file of George David Salum III
Investigative file of George David Salum III
Personnel file of Raymond DeJohn
Professional/Business PI Investigative Packet of Ricky Moore, Johnny White and Team 6

PLACE Julian L. McPhillips, Jr. McPhillips Shinbaum, L.L.P. 516 South Perry Street Montgomery, Alabama 36101	DATE AND TIME July 8, 2005
--	-------------------------------

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR A PLAINTIFF OR DEFENDANT)

DATE

08-08-05

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

P.O. Box 604, Montgomery, AL 36101 334-262-1911

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

SERVED	DATE 06/08/05	PLACE Montgomery Police Dept 150 N. Perry St.
SERVED ON (PRINT NAME) Teresia Jackson	MANNER OF SERVICE Hand delivery	
SERVED BY (PRINT NAME) Kaylor D. Jenkins	TITLE Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 06/08/05
DATE

SIGNATURE OF SERVER

516 S. Perry St.
ADDRESS OF SERVER

Montgomery, AL 36104

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena if it shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation material, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to